

REMARKS

To further prosecution of the present application, Applicant has cancelled Claims 96-115 and has added new Claims 117-130, with Claims 117, 127, 128, 129, and 130 in independent form. Applicant respectfully requests reconsideration.

Rejection of Claims 96-115 under 35 U.S.C. § 101

Claims 96-115 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Without acceding to the correctness of this conclusion, Applicant has cancelled Claims 96-115 from the present application and added new Claims 117-130. Applicant respectfully submits that the rejection under § 101 is moot and respectfully requests withdrawal of same.

Rejection of Claims 96-115 under 35 U.S.C. § 112

Claims 96-115 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Action indicates that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Claims 96-115 have been cancelled from the application; thus, the § 112 rejection is moot.

With respect to new independent Claim 117, Applicant submits that the limitations of Claim 117, and, in particular, the limitation recited below have antecedent basis in the application specification, as indicated below. In particular, the limitations of Claim 117 directed to:

computing with the first computing device at least one customized targeted savings plan based on the data by calculating at least one dollar amount of each of a plurality of periodic payments to a targeted savings plan to be paid over at least one period of time expiring on the at least one target date, wherein computing the at least one dollar amount of each periodic payment includes:

computing a number of payments over the at least one period of time based on the at least one total dollar amount the customer would like to save or the at least one total dollar amount the customer is in the process of saving, and

computing a rate of return that the financial institution pays based on a duration between a periodic payment to the targeted savings plan and the at least one target date;

have antecedent basis in the application specification at:

Page 3, lines 3-6, lines 15-17, and lines 19-21;

Page 6, lines 4-9, lines 21-24;

Page 10, line 25 to page 11, line 5;

Page 13, lines 15-16;

Page 14, line 14 to page 15, line 6; and

Page 16, lines 9-32.

Applicant respectfully submits that the limitations of new Claims 127, 128, 129, and 130 have antecedent basis in the application disclosure at least where noted above.

Rejection of Claims 96-115 under 35 U.S.C. § 102(e)

Claims 96-115 are rejected under § 102(e) as being anticipated by U.S. Publication No. 2004-0088261 filed by Moore et al. ("Moore"). Applicant has cancelled Claims 96-115.

Applicant respectfully submits that new independent Claims 117, 127, 128, 129, and 130 are not anticipated by Moore.

As the Examiner knows, to establish anticipation by a prior art reference under § 102, the reference must sufficiently describe a claimed invention to have placed the public in possession of that invention. *In re Elsner*, 381 F.3d 1125, 72 USPQ2d 1038 (Fed.Cir. 2004)(citing *In re Donohue*, 766 F.2d 531, 533 (Fed.Cir. 1985); *In re Samour*, 571 F.2d 559, 562 (CCPA 1978). Anticipation is established with a single prior art reference under § 102, if the reference expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ 1597 (Fed.Cir. 2002). Applicant respectfully submits that Moore does not anticipate at least independent Claims 117, 126, and 127 because Moore fails to disclose explicitly or inherently each and every limitation of these Claims, and otherwise does not sufficiently disclose Applicant's claimed invention.

Moore discloses a system for providing a user with interfaces to obtain information about financial accounts and to set up payments to financial accounts, such as mortgage payments. The interfaces enable the end-user to modify payment schedules, and also enable the system to receive account information, to gather account information and to present account information to users. For instance, a bank provides web page interfaces that enable a user to provide account information and to indicate accounts from which payments are transferred. See paragraphs [0057-0059].

However, Moore does not disclose, teach, or suggest a method of targeting savings dollars in conjunction with paying at least one financial obligation as specified in Claims 117 and 129. The method of the invention enables a financial institution computing device to receive instructions for making payment, or to receive at least one payment, on behalf of the customer, wherein the payment includes at least one periodic payment to the targeted savings plan and at least one payment toward a financial obligation of the customer. In effect, the methods of the invention enable a customer to make periodic payment(s) to a savings plan(s) for a targeted or specific purpose(s) as the customer makes payment(s) toward a financial obligation.

In particular, Moore does not disclose, teach, or suggest the limitations of Claim 117 and 129 directed to:

receiving with the first computing device information related to targeting savings dollars, wherein the information includes data related to at least one of: (i) at least one total dollar amount the customer would like to save, (ii) at least one total dollar amount the customer is in the process of saving, and (iii) at least one target date by which the at least one total dollar amount is to be saved.

Nor does Moore disclose, teach, or suggest the limitations of Claims 117 and 128 directed to:

computing with the first computing device at least one customized targeted savings plan based on the data by calculating at least one dollar amount of each of a plurality of periodic payments to a targeted savings plan to be paid over at least one period of time expiring on the at least one target date, wherein computing the at least one dollar amount of each periodic payment includes:

computing a number of payments over the at least one period of time based on the at least one total dollar amount the customer would like to save or the at least one total dollar amount the customer is in the process of saving, and

computing a rate of return that the financial institution pays based on a duration between a periodic payment to the targeted savings plan and the at least one target date

Moore also does not disclose, teach, or suggest the limitation of Claim 117 directed to:

receiving at the first computing device instructions from the second computing device for making at least one payment on behalf of the customer, wherein the at least one payment includes at least one periodic payment to the at least one targeted savings plan and a payment toward the at least one customer financial obligation.

Nor does Moore disclose, teach, or suggest the limitation of Claim 129 directed to:

receiving at at least one of: the first computing device and the financial institution at least one payment on behalf of the customer, wherein the at least one payment includes at least one periodic payment to the at least one targeted savings plan and at least one payment toward the at least one customer financial obligation.

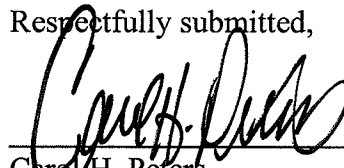
(Moore similarly does not disclose, teach, or suggest limitations of Claims 127, 128, and 130 that are similar to those limitations of Claims 117 and 129.)

Moore, in contrast, discloses interfaces for a user to employ in order to satisfy financial obligations, such as setting up an accelerated mortgage payment program and for transferring assets from an account to make the respective payments. Moore neither provides any disclosure, teaching or suggestion of a customized targeted savings plan, as specified above in Claims 117 and 129. In addition, Moore neither provides disclosure or suggestion of a targeted savings plan based on a total dollar amount the customer would like to save, a total dollar amount the customer is in the process of saving, and/or a target date by which the total dollar amount is to be saved.

For at least the reasons given above with respect to Claims 117 and 129,  
Applicant respectfully submits that Claims 127, 128 and 130 are patentable over Moore.

Should the Examiner have any questions concerning this response, Applicant  
invites the Examiner to telephone the undersigned attorney.

Respectfully submitted,



Carol H. Peters

Registration No. 45,010  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, P.C.  
Attorneys for Applicant(s)  
One Financial Center  
Boston, MA 02111  
Telephone: 617/348-4914  
Facsimile: 617/542-2241  
email: [cpeters@mintz.com](mailto:cpeters@mintz.com)

Date: May 26, 2009